

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

April 8, 2011

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 110d-046

OAHU

Grant of Perpetual, Non-Exclusive Easement to City and County of Honolulu for  
Sewer Line Purposes; Issuance of Construction and Management Right-of-Entry;  
Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:006 and seaward, (1) 2-  
1-015:009 portions

APPLICANT:

City and County of Honolulu

LEGAL REFERENCE:

Section 171-53, 55 & 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, identified by Tax Map  
Key: (1) 1-5-041:006 and seaward, (1) 2-1-015:009 portions, as shown on the attached map  
labeled Exhibit A.

AREA:

Parcel S-1	59,024 square feet
Parcel S-2	26,258 square feet
Parcel S-3	195,798 square feet
Parcel S-4	<u>12,323 square feet</u>
Total:	293,403 square feet

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: P-2 and Waterfront Industrial

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded land  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor's Executive Orders:

1. No. 2704, setting aside to the Department of Land and Natural Resources, Division of State Parks for Sand Island Recreation Area purposes.
2. No. 4006, setting aside to the Department of Transportation for commercial, maritime, and associated purposes.
3. No. 4238, setting aside to the Department of Transportation for continued manifested cargo and passenger operations purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair over and across State-owned land for sewer line purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Final Environmental Assessment of the subject project, "Ala Moana Wastewater Pump Station Force Main #3 and #4" was published on March 8, 2010. The City and County of Honolulu has issued a Finding of No Significant Impact accordingly.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

Applicant shall obtain subdivision approval from the City and County of Honolulu for the subject easements.

REMARKS:

Under the 2010 Judicial Consent Decree with the U.S. Environmental Protection Agency, the City and County of Honolulu ("City") has agreed to install a backup force main for the Ala

Moana Wastewater Pump Station with construction to be completed by the end of 2014. The plans include the installation of two parallel 60-inch force mains to convey wastewater from the Ala Moana Wastewater Pump Station to the Sand Island Wastewater Treatment Plant. Parcel S-1 & S-2 of the proposed easement are over land which have been set aside to the Department of Transportation while Parcel S-3 & S-4 are over lands which have been set aside to the Department of Land and Natural Resources, Division of State Parks (SP).

During the due diligence period, the City has approached SP for comment. By the letter dated February 19, 2009, SP indicated that the requested area has been designated a 6(f) property under the Land and Water Conservation Fund Federal Financial Assistance Manual managed by the National Park Service (NPS). NPS finally agreed to the project subject to the conditions as noted in the letter attached as Exhibit B.

Staff did not solicit comments from other government agencies, other than SP, as such process has been conducted during the environmental assessment stage.

Portion of the easement is on submerged land of the Honolulu Harbor. Upon obtaining approval from the Board, staff will request the Governor's and the Legislature's concurrences to the issuance of the subject easement.

The City intends to start the construction in January 2012. Therefore, the City requests a construction and management right-of-entry over the area as shown hatched on Exhibit A3 prior to the issuance of the easement documents. The City will work with DOT regarding other staging areas under DOT jurisdiction.

There are no other pertinent issues or concerns and staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the City and County of Honolulu covering the subject area for sewer line purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of a construction and management right-of-entry to the City

and County of Honolulu covering the subject area for sewer line purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

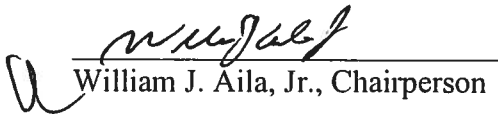
- A. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time;
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

